

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

SETH D. MEYER
217 S. Summit Street
Bowling Green, OH 43402

Plaintiff,

v.

MARTEN TRANSPORT, LTD.
C/O Robert R. Melnick, Statutory Agent
16 Wick Avenue, Suite 504
Youngstown, OH 44503

and

IAN F. ALINDOGAN
250 Village Green Blvd., Apt. 108
Ann Arbor, MI 48105

Defendants.

) Case No.:

) Judge

) **COMPLAINT WITH JURY DEMAND**

) Michael Jay Leizerman (0063945)

) Ronald F. Leonhardt (0059069)

) Joshua M Leizerman (0088359)

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OVERVIEW

1. This is a clear liability collision in which Defendant's tractor trailer turned left in front of Plaintiff's motorcycle, causing Plaintiff to strike the truck head on and sustain multiple injuries, including a fractured right wrist, multiple contusions and abrasions, and right leg muscle and nerve damage.

PARTIES

2. Plaintiff, Seth D. Meyer, is an adult individual and citizen of the State of Ohio who resides at 217 S. Summit Street, Bowling Green, OH 43402.
3. Defendant Marten Transport, Ltd. is a corporation organized and existing under the laws of the State of Wisconsin.
4. Defendant Ian F. Alindogan is an adult individual and citizen of the State of Michigan who resides at 250 Village Green Blvd., Apt. 108, Ann Arbor, MI 48105.

STATEMENT OF JURISDICTION

5. This case is brought under 28. U.S.C. § 1332(a)(1), based upon diversity of citizenship. Because Plaintiff is a citizen of Ohio, Defendants are all citizens of other states, and the amount in controversy (exclusive of interest and costs) exceeds \$75,000, diversity jurisdiction exists in this Honorable Court. Venue is appropriate in this Court since the collision occurred in Henry County, Ohio.

FIRST CAUSE OF ACTION

Negligence of Truck Driver

6. On or about August 21, 2012, Plaintiff Seth Meyer was driving eastbound on State Route 110 approaching County Road 12. Defendant Ian Alindogan was driving westbound on State Route 110 and failed to yield to Plaintiff by turning left in front of him on to

County Road 12. Plaintiff's motorcycle struck Defendant's semi-tractor trailer head on.

7. Defendant Ian Alindogan had a duty to obey all traffic laws, keep a proper lookout, to yield to Plaintiff and to operate his truck in a safe and reasonable manner.
8. Defendant Ian Alindogan failed in the above-mentioned duties and was therefore negligent.
9. Defendant Ian Alindogan's negligence was the direct and proximate cause of Plaintiff Seth Meyer's injuries, including but not limited to a fractured right wrist, multiple contusions and abrasions, and right leg muscle and nerve damage.
10. As a direct and proximate result of Defendant Ian Alindogan's negligence, Plaintiff Seth Meyer has lost past and future wages and his earning capacity has been diminished.
11. As a direct and proximate result of Defendant Ian Alindogan's negligence, Plaintiff Seth Meyer incurred medical bills for the treatment of his injuries directly resulting from this collision.
12. As a direct and proximate result of Defendant Ian Alindogan's negligence, Plaintiff Seth Meyer experienced physical and mental pain and suffering and lost the ability to perform usual activities, resulting in a diminished quality of life.

SECOND CAUSE OF ACTION
Statutory Violations of Truck Driver

13. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
14. Defendant Ian Alindogan violated state and federal statutes and regulations, including but not limited to Ohio Rev. Code 4511.43A and 49 C.F.R. §§ 350-399.
15. Defendant Ian Alindogan statutory violations directly and proximately caused Plaintiff's damages and injuries.
16. Defendant Ian Alindogan is negligent *per se* based on these statutory and regulatory violations.

THIRD CAUSE OF ACTION
Claim for Punitive Damages against Truck Driver

17. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
18. Defendant Ian Alindogan's actions demonstrate a conscious disregard for the rights and safety of Plaintiff Seth Meyer and the rest of the motoring public. Plaintiff demands punitive damages against Defendant Ian Alindogan.

FOURTH CAUSE OF ACTION
Vicarious Liability of Marten Transport, Ltd.

19. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.

20. Defendant Ian Alindogan was the employee, agent, servant, or independent contractor for Marten Transport, Ltd. Accordingly, Marten Transport, Ltd. is vicariously liable for the acts of Defendant Ian Alindogan for the causes of action above.

FIFTH CAUSE OF ACTION

Strict Liability of Marten Transport, Ltd.

21. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
22. Without regard to employment relationship, Marten Transport, Ltd. is the registered owner of the USDOT number 74432 displayed on the truck involved in this collision and is therefore responsible for the acts of the driver of that vehicle.

SIXTH CAUSE OF ACTION

Negligence of Marten Transport, Ltd.

23. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
24. Defendant Marten Transport Ltd. had a duty to act reasonably in hiring and retaining Ian Alindogan and to promulgate and enforce rules and regulations to ensure its drivers and vehicles were reasonably safe.
25. Defendant Marten Transport, Ltd. failed in the above-mentioned duties and was therefore negligent.

26. Defendant Marten Transport, Ltd.'s negligence was the direct and proximate cause of Plaintiff Seth Meyer's damages and injuries.

SEVENTH CAUSE OF ACTION

Statutory Violations of Marten Transport, Ltd.

27. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
28. Defendant Marten Transport, Ltd. violated and encouraged Defendant Ian Alindogan to violate state and federal statutes and regulations, including but not limited to Ohio Rev. Code 4511.43A and 49 C.F.R. §§ 350-399.
29. Defendant Marten Transport, Ltd.'s statutory violations directly and proximately caused Plaintiff's damages and injuries.
30. Defendant Marten Transport, Ltd. is negligent *per se* based on these statutory and regulatory violations.

EIGHTH CAUSE OF ACTION

Claim for Punitive Damages against Marten Transport, Ltd.

31. Plaintiff incorporates by reference all of the above causes of action as though fully restated herein.
32. Defendant Marten Transport, Ltd.'s actions demonstrate a conscious disregard for the rights and safety of Plaintiff Seth Meyer and the rest of the motoring public. Plaintiff demands punitive damages against Defendant Marten Transport, Ltd.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of twenty-five thousand dollars (\$25,000.00) for all causes of action above; plus punitive damages against the truck driver and truck company; and other relief as justice requires or as this Court or the trier of fact sees fit under principles of law and equity; plus interest and costs.

Respectfully submitted,

/s/ Ronald F. Leonhardt
Ronald F. Leonhardt
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury for all triable issues.

/s/ Ronald F. Leonhardt
Ronald F. Leonhardt
Attorney for Plaintiff